

UNITED STATES DISTRICT COURT

for

**EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION**

U.S.A. vs. Roy L. Creasy

Docket No. 7:09-CR-142-1F

Petition for Action on Supervised Release

COMES NOW John A. Cooper, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Roy L. Creasy, who, upon a guilty plea to 18 U.S.C. § 371, Conspiracy to Commit Health Care Fraud, was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on June 7, 2011, to the custody of the Bureau of Prisons for a term of 36 months probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 3 years. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer. The defendant shall pay for electronic monitoring services as directed by the probation officer.
2. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
3. The defendant shall pay a \$40,000 fine, and \$1,000,000, restitution immediately.

On June 7, 2011, the defendant appeared before the court on a Motion for Revocation filed by the Probation Office citing the defendant with violating the terms of the home confinement /electronic monitoring program. The Court revoked the term of probation and imposed a 6 month term of imprisonment, followed by a 30 month term of supervised release under the standard conditions of supervised release and the following additional conditions:

1. The defendant shall abide by all conditions and terms of the home incarceration program for a period not to exceed 930 consecutive days. The defendant shall be restricted to his residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer. The defendant shall pay for electronic monitoring services as directed by the probation officer.

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2. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.
3. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.

Roy L. Creasy was released from custody on October 20, 2011, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Roy Creasy was released from a 6 month term of imprisonment on October 20, 2011, and began the 930 day period of home incarceration on November 14, 2011. He has remained on home incarceration without any violations since that date. As the court is aware, Mr. Creasy is elderly and in poor health. He was recently hospitalized after suffering a minor stroke. Furthermore, since his release he was forced to move from his former residence earlier this year due to forfeiture of the residence and is now residing in a rented one room apartment located near Carolina Beach, NC. His new residence location has created more of a financial and transportation hardship for him to get to his doctor's appointments and obtain basic living necessities. The condition of home incarceration has severely restricted his movements during the past 18 months. As a result of his age, declining health, transportation issues, and lack of any help from family or the community, our office is petitioning the court on behalf of Mr. Creasy. It is recommended the court modify the condition of Home Incarceration, and in lieu thereof, impose a condition requiring him to remain on location monitoring with a curfew from 6pm to 6am each day for the remaining balance of period of supervised release imposed by the court.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall adhere to a curfew from 6pm to 6am, or as directed by the probation officer for the remaining period of supervised release. The defendant is restricted to his residence during the curfew hours. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer. The government shall pay for electronic monitoring services as directed by the probation officer.

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Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ John A. Cooper
John A. Cooper
U.S. Probation Officer
Phone: 910-815-4857
Executed On: May 15, 2013

ORDER OF COURT

Considered and ordered this 16th day of May, 2013, and ordered filed and made a part of the records in the above case.

James C. Fox
James C. Fox
Senior U.S. District Judge